

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL CASE NO. 3:08cv494

MELISSA ABSHIRE,)
)
Plaintiff,)
)
vs.) O R D E R
)
MICHAEL J. ASTRUE,)
COMMISSIONER OF SOCIAL)
SECURITY,)
)
Defendant.)
)

THIS MATTER is before the Court on the Defendant's Consent Motion for Reversal and Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) [Doc. 16].

The Defendant, Michael Astrue, Commissioner of Social Security, moves this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing his decision with a remand of the cause for further administrative proceedings.

Upon careful review of the Defendant's Motion, and for cause shown,

IT IS, THEREFORE, ORDERED that the Defendant's Consent Motion for

Reversal and Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g)

[Doc. 16] is **GRANTED**. Pursuant to the power of this Court to enter a

judgment reversing the Commissioner's decision with remand in Social

Security actions under sentence four of 42 U.S.C. § 405(g), this Court

hereby **REVERSES** the Commissioner's decision and **REMANDS** this

cause to the Commissioner for further proceedings. See Melkonyan v.

Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991). On remand,

the Commissioner will assign this matter to an Administrative Law Judge

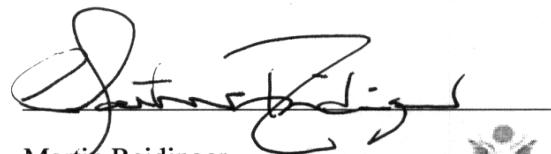
("ALJ") who will:

1. Update the evidence from the Plaintiff's treating sources;
2. Evaluate all medical source opinions, including the opinion of Dr. Gonzales (CE) that the Plaintiff is limited to concrete, one-step instructions, and the opinion of Dr. Wysocki (DDS) that the Plaintiff can perform work with limited production demands and limited interaction with others;
3. Re-evaluate the Plaintiff's residual functional capacity;
4. Conduct a new hearing;
5. Obtain medical expert testimony from a psychiatrist or psychologist; and
6. Obtain vocational expert testimony, if warranted.

A Judgment consistent with this Order shall be entered simultaneously herewith.

IT IS SO ORDERED.

Signed: August 5, 2009



Martin Reidinger
United States District Judge

